

AMENDED IN SENATE APRIL 10, 2003

SENATE BILL

No. 308

Introduced by Senator Figueroa

February 19, 2003

An act to ~~add Section 14132.52 to~~ *amend Section 14132.47* of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as amended, Figueroa. Medi-Cal—~~outreach~~: Native Americans.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which public assistance recipients and other qualified low-income persons are provided with health care services. The Medi-Cal program is, in part, funded pursuant to the federal medicaid program.

Existing law authorizes local governmental agencies and local educational consortiums to participate in the Administrative Claiming process in order to receive federal financial participation for Medi-Cal administrative activities. Under this process, the department may contract with each participating local governmental agency or local educational consortium to assist with the performance of administrative activities related to the Medi-Cal program.

~~This bill would authorize the department to enter into contracts with Native American tribes and tribal organizations for Medi-Cal outreach and educational activities, and would authorize these contracting Native American tribes and tribal organizations to contract with other tribes and tribal organizations to carry out these activities on their behalf. This bill would also provide that Native American tribes and tribal organizations contracting pursuant to this bill are deemed local~~

~~governmental agencies for purposes of the Administrative Claiming process.~~

This bill would include within the definition of a local governmental agency, for purposes of these provisions, Native American tribes and tribal organizations, as well as subgroups of these entities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 14132.52 is added to the Welfare and~~
2 ~~Institutions~~

3 *SECTION 1. Section 14132.47 of the Welfare and Institutions*
4 *Code is amended to read:*

5 14132.47. (a) It is the intent of the Legislature to provide
6 local governmental agencies the choice of participating in either
7 or both of the Targeted Case Management (TCM) and
8 Administrative Claiming process programs at their option, subject
9 to the requirements of this section and Section 14132.44.

10 (b) The department may contract with each participating local
11 governmental agency or each local educational consortium to
12 assist with the performance of administrative activities necessary
13 for the proper and efficient administration of the Medi-Cal
14 program, pursuant to Section 1396b(a) of Title 42 of the United
15 States Code, Section 1903a of the federal Social Security Act, and
16 this activity shall be known as the Administrative Claiming
17 process.

18 (c) (1) As a condition for participation in the Administrative
19 Claiming process, each participating local governmental agency
20 or each local educational consortium shall, for the purpose of
21 claiming federal medicaid matching funds, enter into a contract
22 with the department and shall certify to the department the amount
23 of local governmental agency or each local educational
24 consortium general funds or any other funds allowed under federal
25 law and regulation expended on the allowable administrative
26 activities.

27 (2) The department shall deny the claim if it determines that the
28 certification is not adequately supported for purposes of federal
29 financial participation.



(d) Each participating local governmental agency or local educational consortium may subcontract with nongovernmental entities to assist with the performance of administrative activities necessary for the proper and efficient administration of the Medi-Cal program under the conditions specified by the department in regulations.

(e) Each Administrative Claiming process contract shall include a requirement that each participating local governmental agency or each local educational consortium submit a claiming plan in a manner that shall be prescribed by the department in regulations, developed in consultation with local governmental agencies.

(f) The department shall require that each participating local governmental agency or each local educational consortium certify to the department both of the following:

(1) The availability and expenditure of 100 percent of the nonfederal share of the cost of performing Administrative Claiming process activities. The funds expended for this purpose shall be from the local governmental agency's general fund or the general funds of local educational agencies or from any other funds allowed under federal law and regulation.

(2) In each fiscal year that its expenditures represent costs that are eligible for federal financial participation for that fiscal year. The department shall deny the claim if it determines that the certification is not adequately supported for purposes of federal financial participation.

(g) (1) Notwithstanding any other provision of this section, the state shall be held harmless, in accordance with paragraphs (2) and (3), from any federal audit disallowance and interest resulting from payments made to a participating local governmental agency or local educational consortium pursuant to this section, less the amounts already remitted to the state pursuant to subdivision (m) for the disallowed claim.

(2) To the extent that a federal audit disallowance and interest results from a claim or claims for which any participating local governmental agency or local educational consortium has received reimbursement for Administrative Claiming process activities, the department shall recoup from the local governmental agency or local educational consortium that submitted the disallowed claim, through offsets or by a direct

1 billing, amounts equal to the amount of the disallowance and
2 interest, in that fiscal year, less the amounts already remitted to the
3 state pursuant to subdivision (m) for the disallowed claim. All
4 subsequent claims submitted to the department applicable to any
5 previously disallowed administrative activity or claim, may be
6 held in abeyance, with no payment made, until the federal
7 disallowance issue is resolved.

8 (3) Notwithstanding paragraph (2), to the extent that a federal
9 audit disallowance and interest results from a claim or claims for
10 which the participating local governmental agency or local
11 educational consortium has received reimbursement for
12 Administrative Claiming process activities performed by a
13 nongovernmental entity under contract with, and on behalf of, the
14 participating local governmental agency or local educational
15 consortium, the department shall be held harmless by that
16 particular participating local governmental agency or local
17 educational consortium for 100 percent of the amount of the
18 federal audit disallowance and interest, less the amounts already
19 remitted to the state pursuant to subdivision (m) for the disallowed
20 claim.

21 (h) The use of local matching funds required by this section
22 shall not create, lead to, or expand the health care funding
23 obligations or service obligations for current or future years for
24 any participating local governmental agency or local educational
25 consortium, except as required by this section or as may be
26 required by federal law.

27 (i) The department shall deny any claim from a participating
28 local governmental agency or local educational consortium if the
29 department determines that the claim is not adequately supported
30 in accordance with criteria established pursuant to this subdivision
31 and implementing regulations before it forwards the claim for
32 reimbursement to the federal medicaid program. In consultation
33 with local government agencies and local educational consortia,
34 the department shall adopt regulations that prescribe the
35 requirements for the submission and payment of claims for
36 administrative activities performed by each participating local
37 governmental agency and local educational consortium.

38 (j) Administrative activities shall be those determined by the
39 department to be necessary for the proper and efficient



1 administration of the state's medicaid plan and shall be defined in
2 regulation.

3 (k) If the department denies any claim submitted under this
4 section, the affected participating local governmental agency or
5 local educational consortium may, within 30 days after receipt of
6 written notice of the denial, request that the department reconsider
7 its action. The participating local governmental agency or local
8 educational consortium may request a meeting with the director or
9 his or her designee within 30 days to present its concerns to the
10 department after the request is filed. If the director or his or her
11 designee cannot meet, the department shall respond in writing
12 indicating the specific reasons for which the claim is out of
13 compliance to the participating local governmental agency or local
14 educational consortium in response to its appeal. Thereafter, the
15 decision of the director shall be final.

16 (l) Participating local governmental agencies or local
17 educational consortium may claim the actual costs of
18 nonemergency, nonmedical transportation of Medi-Cal eligibles
19 to Medi-Cal covered services, under guidelines established by the
20 department, to the extent that these costs are actually borne by the
21 participating local governmental agency or local educational
22 consortium. A local educational consortium may only claim for
23 nonemergency, nonmedical transportation of Medi-Cal eligibles
24 for Medi-Cal covered services, through the Medi-Cal
25 administrative activities program. Medi-Cal medical
26 transportation services shall be claimed under the local
27 educational agency Medi-Cal billing option, pursuant to Section
28 14132.06.

29 (m) (1) Each participating local governmental agency shall
30 contribute to the department a portion of the agency's general fund
31 that has been made available due to the coverage of administrative
32 activities described in this section under the Medi-Cal program.
33 The contributed funds shall be reinvested in health services
34 through the Medi-Cal program. The total contribution amount
35 shall be equal to $33\frac{1}{3}$ percent of amounts made available under
36 this section, but in no case shall the contribution exceed twenty
37 million dollars (\$20,000,000) a fiscal year less the amount
38 contributed pursuant to subdivision (m) of Section 14132.44.
39 Beginning with the 1994-95 fiscal year, each local governmental
40 agency's share of the total contribution shall be determined by

1 claims submitted and approved for payment through January 1 of
2 the following calendar year. Claims received and approved for
3 payment after January 1 for dates of service in the previous fiscal
4 year shall be included in the following year's calculation. Each
5 local governmental agency's share of the contribution for the
6 previous fiscal year shall be determined no later than February 15
7 and shall be remitted to the state no later than April 1 of each year.
8 The contribution amount shall be paid from nonfederal, general
9 fund revenues and shall be deposited in the Administrative
10 Claiming Fund for transfer to the Health Care Deposit Fund.

11 (2) Moneys received by the department pursuant to this
12 subdivision are hereby continuously appropriated to the
13 department for support of the Medi-Cal program, and the funds
14 shall be administered in accordance with procedures prescribed by
15 the Department of Finance. If not paid as provided in this section,
16 the department may offset payments due to each participating local
17 governmental agency from the state, not related to payments
18 required to be made pursuant to this section in order to recoup these
19 funds for the Administrative Claiming Fund.

20 (3) This subdivision shall only apply to claims approved for the
21 1994–95 to 1997–98 fiscal years, inclusive.

22 (n) As a condition of participation in the Administrative
23 Claiming process and in recognition of revenue generated to each
24 participating local governmental agency and each local
25 educational consortium in the Administrative Claiming process,
26 each participating local governmental agency and each local
27 educational consortium shall pay an annual participation fee
28 through a mechanism agreed to by the state and local
29 governmental agencies and local educational consortia, or, if no
30 agreement is reached by August 1 of each year, directly to the state.
31 The participation fee shall be used to cover the cost of
32 administering the Administrative Claiming process, including, but
33 not limited to, claims processing, technical assistance, and
34 monitoring. The department shall determine and report staffing
35 requirements upon which projected costs will be based. The
36 amount of the participation fee shall be based upon the anticipated
37 salaries, benefits, and operating expenses, to administer the
38 Administrative Claiming process and other costs related to that
39 process.

(o) For the purposes of this section “participating local governmental agency” means a county, ~~or~~ chartered city, *Native American Indian tribe, tribal organization, or subgroup of a Native American Indian tribe or tribal organization*, under contract with the department pursuant to subdivision (b).

(p) For purposes of this section, “local educational agency” means a local educational agency, as defined in subdivision (h) of Section 14132.06, that participates under the Administrative Claiming process as a subcontractor to the local educational consortium in its service region.

(q) (1) For purposes of this section, “local educational consortium” means a local agency that is one of the service regions of the California County Superintendent Educational Services Association.

(2) Each local educational consortium shall contract with the department pursuant to paragraph (1) of subdivision (c).

(r) (1) Each participating local educational consortium shall be responsible for the local educational agencies in its service region that participate in the Administrative Claiming process. This responsibility includes, but is not limited to, the preparation and submission of all administrative claiming plans, training of local educational agency staff, overseeing the local educational agency time survey process, and the submission of detailed quarterly invoices on behalf of any participating local educational agency.

(2) Each participating local educational consortium shall ensure local educational agency compliance with all requirements of the Administrative Claiming process established for local governmental agencies.

(3) Ninety days prior to the initial participation in the Administrative Claiming process, each local educational consortium shall notify the department of its intent to participate in the process, and shall identify each local educational agency that will be participating as its subcontractor.

(s) (1) Each local educational agency that elects to participate in the Administrative Claiming process shall submit claims through its local educational consortium or through the local governmental agency, but not both.

(2) Each local educational agency participating as a subcontractor to a local educational consortium shall comply with

1 all requirements of the Administrative Claiming process
2 established for local governmental agencies.

3 (t) For the purposes of this section, a “nongovernmental
4 entity” does not include an entity or person administered by,
5 affiliated with, or employed by a participating local governmental
6 agency or a local educational consortium.

7 (u) The requirements of subdivision (m) shall not apply to
8 claims for administrative activities, pursuant to the Administrative
9 Claiming process, performed by public health programs
10 administered by the state.

11 (v) A participating local governmental agency or a local
12 educational consortium may charge an administrative fee to any
13 entity claiming Administrative Claiming through that agency.

14 (w) The department shall continue to administer the
15 Administrative Claiming process in conformity with federal
16 requirements.

17 (x) The department shall provide technical assistance to all
18 participating local governmental agencies and local educational
19 consortia in order to maximize federal financial participation in
20 the Administrative Claiming process.

21 (y) This section shall be applicable to Administrative Claiming
22 process activities performed, and to moneys paid to participating
23 local governmental agencies for those activities in the 1994–95
24 fiscal year and thereafter, and to local educational consortia in the
25 1998–99 fiscal year and thereafter.

26 ~~Code, to read:~~

27 ~~14132.52. (a) The department may contract with Native~~
28 ~~American tribes and tribal organizations for Medi-Cal outreach~~
29 ~~and educational activities.~~

30 ~~(b) Native American tribes and tribal organizations contracting~~
31 ~~with the department pursuant to subdivision (a) may enter into~~
32 ~~contracts with other tribes and tribal organizations to carry out~~
33 ~~those activities on their behalf.~~

34 ~~(c) In order to maximize federal financial participation~~
35 ~~pursuant to the Administrative Claiming process, a Native~~
36 ~~American tribe or tribal organization contracting pursuant to this~~
37 ~~section is deemed a local governmental agency for purposes of~~
38 ~~Section 14132.47.~~

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